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 Attorneys for *Specially Appearing Parties*,
 TRC ENGINEERS, INC. f/k/a VPOINT, MARTIN UGALDE,
 ROBERT BIDART AND MICHAEL BIDART

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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| LARRY J. MOORE, et. al., |) | 3:09-cv-00167-LDG-RAM |
| |) | |
| Plaintiffs, |) | ORDER GRANTING |
| |) | SPECIALY APPEARING TRC'S |
| vs. |) | MOTION FOR DETERMINATION OF |
| |) | GOOD FAITH SETTLEMENT |
| UNITED STATES OF AMERICA, |) | |
| |) | <u>EXPEDITED HEARING REQUESTED</u> |
| Defendant. |) | |
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| JAMES ADGETT, et. al., |) | 3:09-cv-00649-LDG-RAM |
| |) | |
| Plaintiffs, |) | ORDER GRANTING |
| |) | SPECIALY APPEARING TRC'S |
| vs. |) | MOTION FOR DETERMINATION OF |
| |) | GOOD FAITH SETTLEMENT |
| UNITED STATES OF AMERICA, |) | |
| |) | <u>EXPEDITED HEARING REQUESTED</u> |
| Defendant. |) | |
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| JASON AMES, et. al., |) | 3:10-cv-00463-LDG-RAM |
| |) | |
| Plaintiffs, |) | ORDER GRANTING |
| |) | SPECIALY APPEARING TRC'S |
| vs. |) | MOTION FOR DETERMINATION OF |
| |) | GOOD FAITH SETTLEMENT |
| UNITED STATES OF AMERICA, |) | |
| |) | <u>EXPEDITED HEARING REQUESTED</u> |
| Defendant. |) | |

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| 1 | BILL ADAMSON, et. al., |) | 3:09-cv-00621-LDG-RAM |
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| 3 | Plaintiffs, |) | ORDER GRANTING |
| 4 | vs. |) | SPECIALY APPEARING TRC'S |
| 5 | UNITED STATES OF AMERICA, |) | MOTION FOR DETERMINATION OF |
| 6 | Defendant. |) | GOOD FAITH SETTLEMENT |
| 7 | |) | <u>EXPEDITED HEARING REQUESTED</u> |
| 8 | BILL ADAMSON, et. al., |) | 3:09-cv-00715-LDG-RAM |
| 9 | |) | |
| 10 | Plaintiffs, |) | ORDER GRANTING |
| 11 | vs. |) | SPECIALY APPEARING TRC'S |
| 12 | UNITED STATES OF AMERICA, |) | MOTION FOR DETERMINATION OF |
| 13 | Defendant. |) | GOOD FAITH SETTLEMENT |
| 14 | |) | <u>EXPEDITED HEARING REQUESTED</u> |
| 15 | AND ALL RELATED MATTERS |) | |

**ORDER GRANTING MOTION FOR DETERMINATION OF GOOD FAITH
SETTLEMENT**

The Court, in the above captioned cases, having reviewed and considered *Specially Appearing* Parties, TRC ENGINEERS, INC. f/k/a VPOINT'S (erroneously sued as V POINT ENGINEERING a/k/a TRC ENGINEERING, INC.), MARTIN UGALDE'S, ROBERT BIDART'S and MICHAEL BIDART'S (hereinafter collectively, "TRC Parties") Motion for Determination of Good Faith Settlement, all papers and pleadings filed in this matter, having heard oral argument at the hearing held thereon, and with GOOD CAUSE APPEARING, hereby enters its findings, conclusions and judgment as follows:

FINDINGS

1. This matter arises out of a breach in the Truckee Canal on January 5, 2008 in and around the City of Fernley, County of Lyon, Nevada.
2. The Plaintiffs, individually and as members of Class Actions, have filed numerous

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1 Complaints in Federal and State Courts against various parties, including the TRC Parties for
 2 alleged damages and injuries arising from the Truckee Canal breach on January 5, 2008 in Fernley,
 3 Nevada.

4 3. The Plaintiffs and various parties in the Federal and State cases allege that the
 5 January 5, 2008 Truckee Canal breach in Fernley, Nevada occurred due to inadequate maintenance
 6 and operation of the Truckee Canal, among other reasons. Plaintiffs further allege that flood
 7 waters from the Truckee Canal breach were impounded by the construction of various residential
 8 subdivisions and obstacles in and around the "A" Drain including the connection of Wrangler
 9 Lane and Wagon Wheel Lane commonly known as the "knuckle."

10 4. The TRC Parties, serving as the plans checker for the City of Fernley, approved the
 11 design of the "knuckle" submitted by a Nevada registered engineer.

12 5. On April 24, 2012, the TRC Parties and representatives of the Plaintiffs from all
 13 Federal and State cases, with assistance of Mr. Michael Schoenfeld, the appointed mediator,
 14 reached a global settlement of all claims, issues and damages (known and unknown) against the
 15 TRC Parties for the January 5, 2008 Truckee Canal breach.

16 6. The Settlement Agreement provides that the TRC Parties shall collectively pay the
 17 sum of \$1,725,000.00 in exchange for a full and complete release and dismissal of all claims,
 18 damages and issues against the TRC Parties in all Federal and State cases concerning the January
 19 5, 2008 Truckee Canal breach.

20 7. That there is no evidence or allegation that the global settlement between Plaintiffs
 21 and the TRC Parties was fraudulently, collusively or tortuously aimed at injuring any non-settling
 22 party.

23 8. That the global settlement between the Plaintiffs, individually and as Classes, is and
 24 was made in good faith.

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ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *Specially Appearing* TRC Parties' Motion for Determination of Good Faith Settlement is hereby GRANTED in its entirety.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the global settlement between the Plaintiffs, individually and as Settling Classes, and the *Specially Appearing* TRC Parties in the sum of One Million, Seven Hundred Twenty-Five Thousand Dollars and 00/100 Cents (\$1,725,000.00) is and was made in good faith pursuant to N.R.S. 17.245.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all Complaints, Cross-Claims, Third-Party Complaints and/or any other claim or action filed against, or could have been filed against the *Specially Appearing* TRC Parties in this action and all other Federal and State cases concerning the January 5, 2008 Truckee Canal breach for equitable indemnity, implied indemnity, partial/total indemnity and contribution are hereby dismissed with prejudice and hereinafter barred against the *Specially Appearing* TRC Parties in this matter and all other Federal and State cases concerning the January 5, 2008 Truckee Canal breach in Fernley, Nevada, pursuant to N.R.S. 17.245 and in accordance with the factors enumerated in Doctors Company v. Vincent, 98 P.3d 681 (2004).

IT IS SO ORDERED.

DATED this 9 day of January, 2013.


DISTRICT COURT JUDGE

RESPECTFULLY SUBMITTED BY:

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